

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

| | | |
|------------------------|---|----------------------|
| Mr. Vonnie D. Darby, |) | |
| |) | |
| Petitioner, |) | ORDER |
| |) | |
| vs. |) | |
| |) | |
| State of North Dakota, |) | Case No. 1:11-cv-071 |
| |) | |
| Respondent. |) | |

Petitioner filed a petition for habeas corpus relief on September 1, 2011, that contained one-hundred seven questions for the court's consideration. On September 22, 2011, the court issued an order directing respondent to file an answer or otherwise respond to the petition.

On November 15, 2011, petitioner filed a motion to grant his petition on the grounds that respondent had failed to file a timely response. On November 17, 2011, respondent filed in a response in opposition to petitioner's motion. In addition, it filed an answer to petitioner's habeas petition.

The timing of respondent's answer is neither unreasonable nor inexcusable given the petitioner's voluminous state record and the number of claims petitioner asserts in his habeas petition. In any event, the court deems petitioner's motion (Docket No. 9) **MOOT** on account of the fact that respondent has now answered the petition.

IT IS SO ORDERED.

Dated this 28th day of November, 2011.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court